

1		<u>I</u> <u>N</u> <u>D</u> <u>E</u> <u>X</u>	
2			Re- By
3	<u>Witnesses:</u>	<u>Dir.</u> <u>Crx.</u> <u>dir.</u> <u>crx.</u>	<u>Examiner</u>
4	NONE		
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10		<u>E</u> <u>X</u> <u>H</u> <u>I</u> <u>B</u> <u>I</u> <u>T</u> <u>S</u>	
11	<u>Number</u>	<u>For Identification</u>	<u>In Evidence</u>
12	NONE		
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1 JUDGE RILEY: Pursuant to the direction of the
2 Illinois Commerce Commission, I'll now call
3 Docket 02-0576. This is a complaint by Tony Glenn
4 verus Peoples Gas Light and Coke Company as to
5 billing and charges in Chicago, Illinois.

6 Mr. Glenn, you are appearing pro se?

7 MR. GLENN: Yes.

8 JUDGE RILEY: And would you state your address
9 for the record, please.

10 MR. GLENN: Tony Glenn, address, 11127 South
11 Homewood, Chicago, Illinois 60643.

12 JUDGE RILEY: Thank you.

13 And Counsel for Peoples, would you
14 enter an appearance for the record.

15 MR. BRIGIDA: Peter Brigida on behalf of The
16 Peoples Gas Light and Coke Company, 130 East
17 Randolph Drive, Chicago, Illinois 60601, the
18 telephone number is 312-240-4461.

19 JUDGE RILEY: Thank you.

20 And gentlemen, this is a status
21 session that I had set after canceling the hearing
22 date of July 30, 2003. The reason I did that is

1 because I have a motion from Mr. Brigida, on behalf
2 of Peoples Gas, to dismiss this matter based on a
3 number of grounds, principally, which is the
4 complainant's lack of cooperation with regard to
5 discovery.

6 Mr. Brigida, did you have anything
7 further to submit with regard to the motion to
8 dismiss?

9 MR. BRIGIDA: None other than that no additional
10 discovery has been provided by complainant since the
11 time I filed the motion to dismiss.

12 JUDGE RILEY: All right.

13 Mr. Glenn, I had given you notice to
14 respond to the motion to dismiss. I haven't
15 received anything. Just to ensure that the record
16 is clear, you had contacted me this morning --

17 MR. GLENN: Correct.

18 JUDGE RILEY: -- and alluded to the fact that
19 you might need more time.

20 MR. GLENN: That's correct.

21 JUDGE RILEY: Gentlemen, quite frankly, I'm at a
22 loss as to what more I can do with this case. As I

1 told you this morning, Mr. Glenn, the Commission is
2 the ultimate arbiter of whether or not a case
3 proceeds or is dismissed. And what I'm going to
4 have to do is to take this motion of Mr. Brigida's,
5 condense it into memorandum form, and submit it to
6 the Commission with a recommendation, whether or not
7 this matter should proceed or whether or not it
8 should be dismissed.

9 MR. GLENN: Well, what about me having the
10 opportunity to file against the dismissal of the
11 motion, so I can -- I need more time, Judge.

12 JUDGE RILEY: Well --

13 MR. GLENN: I mean, I don't want you to go in
14 and submit his motion, and arbitrarily they agree
15 that it's not to go forward. I thought I was going
16 to have a chance to prove to the fact that this was
17 a ludicrous approach for gas (sic). I mean, I've
18 got documentation to prove where I lived for these
19 certain years that they're claiming I lived at these
20 addresses. And I don't want to lose this
21 opportunity by you telling me today you're going to
22 go and submit this and give a recommendation.

1 I want to have the opportunity to
2 extend it and let me file a motion against the
3 motion he has.

4 MR. BRIGIDA: Judge, I object to that. He's had
5 plenty of time to file a response. He's delayed
6 this matter --

7 MR. GLENN: I am not an attorney.

8 MR. BRIGIDA: Judge --

9 MR. GLENN: I am not an attorney and I am --

10 MR. BRIGIDA: Mr. Glenn --

11 MR. GLENN: -- to the best of my ability --

12 MR. BRIGIDA: -- I did not interrupt you.

13 JUDGE RILEY: All right, Mr. Brigida, please
14 continue your remarks.

15 MR. BRIGIDA: He's had plenty of time to file a
16 response. He hasn't done that. He hasn't completed
17 discovery. At this point, I believe he's missed the
18 deadline. He's not entitled to file any more
19 response in this matter. If he does not like the
20 outcome, he has remedies at that point in time. But
21 this is just ridiculous to keep continuing this
22 matter in hopes that Mr. Glenn will finally get his

1 act together and start proceeding in this matter the
2 way he should have been proceeding six months ago.

3 MR. GLENN: Judge, I feel the same way. He has
4 not finished his discovery with me. He has not
5 given me the proper documentation that I requested.
6 I am asking more time to file against his motion.
7 That's what I would like to have happened now. And
8 then you go to the Board and make your submission as
9 to his motion and my motion, as well, to keep this
10 case going.

11 JUDGE RILEY: Just hypothetically, Mr. Glenn,
12 how much more time would you need?

13 MR. GLENN: I would need, at least, a week.

14 JUDGE RILEY: What is a week going to give you
15 that the previous two weeks didn't give you?

16 MR. GLENN: Well, first of all, when I got the
17 original notice you sent me about the hearing, I was
18 scheduled for vacation, as I explained to you when I
19 got back on the 4th, I believe it was, that I got
20 back in town. I had just then opened up the mail to
21 see that you had only given me till August 4th. And
22 the next day I called you and thought I can have

1 something in the office by the next day.

2 I just need more time right now to
3 focus on this and put all my -- you know, make some
4 time aside to do this, outside of my work, and, at
5 least, respond to this before you walk to the Board
6 and give them the thing for them to make an
7 arbitrary decision whether to not proceed or not
8 (sic). I think I, at least, deserve that.

9 JUDGE RILEY: Well, Mr. Glenn, from my
10 estimation I have given you -- I have bent over
11 backwards to allow --

12 MR. GLENN: All I'm asking, one more week.

13 JUDGE RILEY: -- to allow you the time to submit
14 the materials that were requested under the
15 discovery. And I have given you time to respond to
16 the motion to dismiss. And it is turning out to be
17 nothing more than a delay, week after week, month
18 after month. This discovery process began in
19 February. And it's six months later and we aren't
20 one bit farther along now than we were then.

21 MR. GLENN: Well, Judge, Counsel has not been
22 cooperating with me, as well. He has not given me

1 documentation. All I'm asking for is an option here
2 to give me another week to file against his motion
3 before you go before the Board and turn this thing
4 in for arbitration. That's all I'm asking. I feel
5 that I'm going to lose the opportunity to do that.
6 And I got documentation is going to prove me at the
7 end of the day, that I did never live at these
8 addresses that they claim.

9 JUDGE RILEY: Mr. Glenn, you were required at
10 the very beginning to produce that documentation as
11 part of the discovery.

12 MR. GLENN: Some of the documentation, Judge, I
13 didn't have at that particular time and some of the
14 time I came with documents to the hearing, to share
15 those documents with Counsel.

16 All I'm asking for is give me one more
17 week, Judge. Let me file against his motion.
18 Otherwise, I don't want to have this opportunity
19 lost, to continue and prove that Peoples Gas is
20 wrong.

21 JUDGE RILEY: Mr. Brigida?

22 MR. BRIGIDA: Judge, again, I object.

1 And the fact that he says, you know,
2 he doesn't have discovery, et cetera, et cetera,
3 that really -- we're not getting into, you know, the
4 discovery again. The issue here is did he reply --
5 did he provide a response in time to my motion to
6 dismiss. And it's just clear that he didn't. You
7 know, his response was due August 4th. We're ten
8 days past that now and he still hasn't provided a
9 response.

10 MR. GLENN: But, it's not like I didn't make any
11 contact. At least, I made some effort to try and
12 contact the judge about it.

13 Judge, I need, at least, a week.

14 MR. BRIGIDA: He should have filed a motion for
15 an extension. I understand he's not an attorney,
16 but he still needs to follow the rules and he's made
17 absolutely no effort. It just --

18 MR. GLENN: Well, I don't know what the rules
19 were, Judge. So, now, let me start (sic), if
20 there's an extension for me to file, let me file
21 that extension right now, so I can get an extension
22 to file against the motion that Counsel has

1 presented.

2 JUDGE RILEY: No, Mr. Glenn. I envision this
3 thing just going on and on and on, like it has been
4 for the last six months.

5 MR. GLENN: Just give me the one week, Judge.
6 Give me the one week and I assure you I will have
7 answers to his motion.

8 MR. BRIGIDA: Judge, he's said that in the past
9 before.

10 MR. GLENN: Counsel, I didn't say anything while
11 you were talking.

12 MR. BRIGIDA: You're correct.

13 MR. GLENN: I'm asking just one more week from
14 today to have an answer to his motion filed.

15 JUDGE RILEY: Let me put it to you this way,
16 Mr. Glenn, it is just as possible that the
17 Commission will deny the motion to dismiss as they
18 will to grant it. I am simply going to prepare the
19 memorandum, recounting everything that has occurred
20 in this matter since the motions for discovery were
21 filed. We'll let the Commission take it from there.
22 I'll get it to them as fast as I can and we'll see

1 how they dispose of it.

2 MR. GLENN: Sir, you're denying me to have the
3 extra time to file against the motion?

4 JUDGE RILEY: I am going to treat that as your
5 motion for an extension to file a response, and I'm
6 going to deny it. You had two weeks and you didn't
7 file. That to me was ample time.

8 MR. GLENN: But Judge, I called you and informed
9 you --

10 JUDGE RILEY: You called me this --

11 MR. GLENN: -- did I not?

12 JUDGE RILEY: You called me --

13 MR. GLENN: I called you on the 4th, the day I
14 got back in town.

15 JUDGE RILEY: Right. And then I received
16 nothing.

17 MR. GLENN: And I told you I was going -- and
18 then, obviously, after getting your message
19 yesterday, I called you back this morning.

20 I mean, I'm not an attorney. And I
21 think this is unfair for you to go forth right now
22 without giving me the extra option to file -- one

1 week.

2 JUDGE RILEY: May I point out to you that when
3 you called me on the 4th, that was the day of your
4 deadline. You had from the 4th until now to
5 respond --

6 MR. GLENN: Right.

7 JUDGE RILEY: -- and you didn't do it.

8 MR. GLENN: And I --

9 JUDGE RILEY: What is another week --

10 MR. GLENN: -- explained to you earlier. You
11 know, I work during the day. I have to spend some
12 time in the library. I'm not an attorney. And
13 think, it's clearly (sic) he's got the sole
14 advantage here from the standpoint -- all I'm asking
15 just for one week.

16 JUDGE RILEY: Well, Mr. Glenn, you've had the
17 two weeks that I allotted, plus an additional nine
18 days after that. And it's just -- as I said, I just
19 envision this thing going on and on and on, with
20 extensions, requests --

21 MR. GLENN: Well, Judge, it won't go any further
22 on if you give me the one week.

1 JUDGE RILEY: But I've heard that all before.

2 MR. GLENN: But I'm asking for the last

3 opportunity here before you go before -- and do with

4 this memorandum that you want to do, at least, let

5 me get my motion filed.

6 JUDGE RILEY: Well, again --

7 MR. GLENN: One week, Judge, that's all I'm

8 asking for.

9 JUDGE RILEY: Mr. Glenn, I've given you the two

10 weeks plus the additional nine days that you had.

11 You were not foreclosed at any time.

12 MR. GLENN: We were also supposed to have a

13 hearing -- you had me believing and thinking that we

14 were going to go to a hearing on our last date that

15 we were set for session. Then, you sent notice in

16 the mail, you changed things around. I was ready to

17 come in for the hearing. You told me to bring all

18 my documentation in, to prove me wrong -- prove

19 Peoples Gas wrong at that time. That's what I was

20 working up to. Then, all of a sudden you send me a

21 letter in the mail saying it's been changed to this.

22 JUDGE RILEY: No, let me --

1 MR. GLENN: Now, I didn't file my option -- I
2 mean, motion against his motion. Now, I'm getting
3 penalized for that. I don't think it's fair.

4 JUDGE RILEY: Well, Mr. Glenn, what's unfair is
5 that you didn't -- you did not file a response in
6 the two weeks that you were given. You didn't file
7 it in the additional nine days between your deadline
8 and now. And now, you're saying you're being
9 treated unfairly. You have no responded.

10 MR. GLENN: I was on vacation, Judge, when I got
11 the second notice from you.

12 JUDGE RILEY: No, I'm sorry, but that's not the
13 fault of either the Commission or the respondent.

14 MR. GLENN: Yeah, but you had me thinking that
15 we were going to go to a trial. That was going to
16 be our last hearing.

17 JUDGE RILEY: I had set --

18 MR. GLENN: And that's what I worked up to.

19 JUDGE RILEY: I had --

20 MR. GLENN: Then, all of a sudden Counsel filed
21 a motion. Just as today, you decided to not have
22 that hearing -- not have that hearing.

1 JUDGE RILEY: Well, the reason that I've
2 canceled those hearing sessions is because the
3 matters that were supposed to be produced at
4 discovery, weren't produced.

5 MR. GLENN: What about his stuff that he was
6 supposed to produce to me, Judge, and he didn't
7 produce?

8 JUDGE RILEY: Well, the unfairness, Mr. Glenn,
9 would be for him to produce his materials and for
10 you not to cooperate with him. That's the danger.
11 This has to be a simultaneous exchange.

12 I can give you an excellent example of
13 just exactly what's wrong with your position.

14 At the last session when both parties
15 appeared at the status, you were asked about your
16 Social Security card. Would you produce your Social
17 Security card, and you flatly refused.

18 MR. GLENN: I didn't have a Social Security --
19 he wasn't asking for a Social Security -- I don't
20 have a Social Security card.

21 JUDGE RILEY: He most certainly did ask for a
22 Social Security card.

1 MR. GLENN: I don't have one.

2 JUDGE RILEY: Mr. Glenn, that's all you had to
3 do was say it in a written response, but, yet,
4 instead of that, your response to Mr. Brigida was
5 why did he want it? You kept --

6 MR. GLENN: No, that was --

7 JUDGE RILEY: -- questioning the validity of the
8 request. That's the problem. Instead of simply
9 saying that you didn't have a Social Security card,
10 you questioned the validity of the request in the
11 first place.

12 MR. GLENN: But I said, no, I didn't have one in
13 my response, from the first time I filed a response
14 against his question. That was the only time he
15 asked about it. I think, if you go back and look at
16 my response from the first time he filed a motion, I
17 said I didn't have one in my possession, not in
18 possession (sic).

19 JUDGE RILEY: The ruling --

20 MR. GLENN: Judge, I need, at least, a week here
21 before you go before the Commission and ask them to
22 make a ruling on that.

1 JUDGE RILEY: Mr. Glenn, you have had since
2 February to comply with the discovery request and
3 you have had two weeks and an additional nine days
4 to comply with the direction to respond to his
5 motion to dismiss. You've done nothing. And for
6 that reason, I am -- my ruling is, that I am going
7 to take Mr. Brigida's motion to dismiss to the
8 Commission and I'm going to let the Commission
9 decide. That's the way it stands right now.

10 They may rule that the matter should
11 go forward.

12 MR. GLENN: But, Judge --

13 JUDGE RILEY: They may rule that it should be
14 dismissed.

15 MR. GLENN: Judge, wouldn't it be -- wouldn't I
16 have a better chance if you just held off for one
17 week? Give me this opportunity to file a motion
18 against this?

19 JUDGE RILEY: You keep using that word
20 "opportunity," Mr. Glenn. You've been given all the
21 opportunity --

22 MR. GLENN: Well, let's put it bluntly, last

1 chance. Give me my last chance, one week from
2 today, to file a motion against him.

3 JUDGE RILEY: Mr. Brigida, do you have anything
4 further?

5 MR. BRIGIDA: Judge, he's had plenty of last
6 chances. We've gone over, you know, the discovery
7 three or four times. He's had, you know -- I've
8 filed this motion July 14th, it is now the 13th.
9 It's been a month. How much longer do we give him.
10 I mean, it's --

11 MR. GLENN: I'm asking for one week, Peter.

12 MR. BRIGIDA: Again, Judge, he's --

13 MR. GLENN: I'm asking for one week.

14 MR. BRIGIDA: -- said things like this in the
15 past before, where --

16 MR. GLENN: One week I'm asking for.

17 MR. BRIGIDA: -- he'll send something in by
18 Monday and he sent it, you know, three weeks later.

19 MR. GLENN: One week I'm asking.

20 MR. BRIGIDA: I don't think it's appropriate,
21 Judge. He's missed the deadline. He hasn't filed a
22 motion for an extension. I don't think it's

1 appropriate.

2 MR. GLENN: I don't know about filing the
3 motion. I just learned today about filing a motion
4 for an extension, Peter.

5 JUDGE RILEY: All right. All right.

6 MR. BRIGIDA: Judge, again --

7 MR. GLENN: I'm not an attorney. Judge, I need
8 one week.

9 JUDGE RILEY: All right. Mr. Glenn, I've
10 entertained all of this that I'm going to. I've
11 made my ruling. I'm going to submit a memorandum to
12 the Commission, detailing the particulars of this
13 discovery problem. I'm going to let the Commission
14 decide. That's my ruling right now. Wait until you
15 hear from the Clerk's Office one way or the other,
16 or possibly from me. I don't know.

17 That's where this matter stands right
18 now. No further time or extensions are going to be
19 granted.

20 Gentlemen, it will be in the hands of
21 the Commission just as soon as I get --

22 MR. GLENN: Judge --

1 JUDGE RILEY: -- the memorandum to them.

2 Thank you.

3 MR. GLENN: Judge, who can I contact at the

4 Commission?

5 JUDGE RILEY: I don't know, Mr. Glenn.

6 MR. GLENN: Because, what are my rights right

7 now? You told me you were going to check, by the

8 time we talked, about me filing my extension. What

9 happened to that?

10 JUDGE RILEY: I just lost the thread of your

11 question.

12 MR. GLENN: No. Earlier today when I talked to

13 you, you said, Mr. Glenn, we'll talk about this when

14 we get on (sic).

15 JUDGE RILEY: Right.

16 MR. GLENN: I said to you, What about me filing

17 an extension? You said to me on the phone, I will

18 check with the ruling and tell you, Mr. Glenn,

19 whether you can file an extension or not. What

20 happened to that?

21 JUDGE RILEY: My ruling is that I'm not going to

22 allow the filing of an extension.

1 MR. GLENN: So, I am allowed to file an
2 extension.

3 JUDGE RILEY: No.

4 MR. GLENN: You just --

5 JUDGE RILEY: No.

6 MR. GLENN: You just denied it.

7 JUDGE RILEY: My ruling is to deny the filing of
8 an extension, that's correct.

9 MR. GLENN: Well, who can I contact right now,
10 at the Commission, about this?

11 JUDGE RILEY: I don't believe that there's
12 anyone you can contact. I don't know.

13 MR. GLENN: This is totally unfair, Judge.

14 JUDGE RILEY: Well --

15 MR. GLENN: Totally unfair.

16 JUDGE RILEY: Well --

17 MR. GLENN: Totally unfair. And, I mean, this
18 goes on the record to (sic) me. This is a totally
19 unfair situation. You're giving Peoples Gas and
20 Peter Brigida all the ammunition to try and throw
21 this thing out when they don't have anything against
22 me to prove that I was living at these addresses.

1 JUDGE RILEY: Well --

2 MR. GLENN: And you denied me that opportunity.

3 JUDGE RILEY: I can't add anything more than

4 what I've already said, Mr. Glenn.

5 MR. GLENN: But, Judge, you can give me one more

6 week.

7 JUDGE RILEY: No, I've given you all the --

8 MR. GLENN: All I'm asking one week --

9 JUDGE RILEY: -- time that you needed.

10 MR. GLENN: -- the last chance. Give me one

11 week, Judge.

12 JUDGE RILEY: I'm sorry, Mr. Glenn, I've made my

13 ruling. I'm not going to extend this thing any

14 further. I'm going to leave that up to the

15 Commission. It is up to them.

16 MR. GLENN: Well, how do I talk to the

17 Commission, then, about it?

18 JUDGE RILEY: Well, if you can get through,

19 that's your prerogative. But, from my standpoint,

20 nothing goes beyond this hearing.

21 I've made my ruling. I'm going to

22 submit the memorandum to the Commission and I'm

1 going to let the Commission deal with it. That's
2 the end of it.

3 Gentlemen, good day.

4 (Whereupon, the hearing in
5 the above-entitled matter
6 was continued sine die.)

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